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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 SAMSON WESLEY OMWENO,

12 Petitioner,

13 v.

14 A. NEIL CLARK, Field Office Director,
15 U.S. Immigration and Customs Enforcement,

16 Respondent.

CASE NO. C09-471-MJP-BAT

REPORT AND RECOMMENDATION

17 On April 7, 2009, petitioner, proceeding pro se, filed a Petition for Writ of Habeas
18 Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and
19 Customs Enforcement (“ICE”). (Dkt. 6). On May 28, 2009, however, respondent filed a Return
20 and Motion to Dismiss along with documentation, indicating that on May 11, 2009, petitioner
21 was released under an Order of Supervision and is no longer detained by ICE. (Dkt. 10, Exs.).
22 Respondent asserts that because petitioner has been accorded all the relief sought in his habeas
23 petition, his Petition for Writ of Habeas Corpus is now moot and should be dismissed. (Dkt. 10).

24 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
25 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).

26 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer

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1 detained by ICE, the Court finds that petitioner's habeas petition should be dismissed as moot.
2 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District Court
3 properly dismissed plaintiff's claims that had become either moot or unripe). Accordingly, I
4 recommend that this action be dismissed. A proposed Order accompanies this Report and
5 Recommendation.

6 DATED this 11th day of June, 2009.

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10 BRIAN A. TSUCHIDA
11 United States Magistrate Judge
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